

REMARKS

Claims 1-41 are all the claims pending in the application. Claim 41 is added to further define the invention as discussed in detail below. Claims 1-37 are withdrawn from consideration as being drawn to a non-elected invention. Claims 38-40 presently stand rejected.

Election of Species Modification

With respect to the election requirement, the Examiner determined that Figures 37-39 and 45-47, previously indicated as Species K, is not patentably distinct from elected Species J. Therefore, all of Figures 34-39 and 42-47 refer to the presently elected Species J.

Specification Objections

The specification is objected to by the Examiner because of informalities. Applicants amend the specification to remove any ambiguities.

Drawings Objections

The drawings filed September 25, 2002 are objected to by the Examiner. Accordingly, Fig. 40 is amended to include the legend --Prior Art--.

Claim Rejections

Claim 39 is rejected under 35 U.S.C. § 112, first paragraph. In particular, the Examiner asserts that claim 39 fails to comply with the enablement requirement. Applicants respectfully submit that a picking forklift truck having an inclination detecting mechanism is well known in the art of picking forklift trucks, in which case it is not necessary to fully describe this detail in order to be enabling.

Claim 38 is rejected under 35 U.S.C. § 102(b) as being anticipated by Anderson et al. (3,666,052).

Claim 40 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson et al. (3,666,052) in view of Ryan (4,762,203).

Analysis

Claim 38 is directed to a forklift truck which includes an inclination detection unit. A lowering prohibiting section prohibits the lower of the fork if the inclination angle of the fork exceeds a predetermined value. A magnet sensor is provided in the inclination detection unit of the invention. On the other hand, the switch 18 of Anderson is physically switched upon detection of a tilt, and thus, Anderson does not teach or suggest the same type of inclination detection unit of the present invention.

Still further, Ryan does not cure this deficiency of Anderson.

In view of the foregoing, claim 38 is patentable. Moreover, claims 39-40 are patentable at least by virtue of their dependency therefrom.

In addition, Applicants add claim 41, which is directed to the automatic cancellation of the movement prohibition. Specifically, page 129 of the specification is directed to the biasing force provided by the spring mechanism, for tilting the fork back to an acceptable angle, thereby canceling the prohibition of the lowering movement. This feature is not taught or suggested by the prior art.

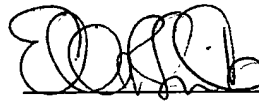
AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/879,995

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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